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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,204	05/02/2005	In-Ku Park	P70427US0	6634
136 7590 07/16/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER MAHONE, KRISTIE ANNETTE	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/528,204

Applicant(s)

PARK, IN-KU

Examiner

Kristie A. Mahone

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 9-15, 20, 21, 26, 27 and 31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 16-19, 22-24, 32-37 is/are rejected.
- 7) ☒ Claim(s) 25 and 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **seat covers including an elastic means (claim 34), the hook and lever linked from a lateral wall of the supporting frame, and band lever (claim 36)** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required. Claim 34 recites a seat cover including an “elastic means,” which is not mentioned in the Disclosure.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 34 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites calls for a seat cover having an “elastic means.” Such elastic means is not disclosed in the specification. Regarding claim 36, the recitation at subparagraph 5 renders the claim vague and indefinite because the specification fails to clearly describe or illustrate the structure of the hook and lever extending the lateral wall of the support frame, or the band lever. For these reasons, no art rejections are made regarding claims 34 and 36. However, the absence of an art rejection does not indicate allowability.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,5-8, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomasma (2,002,721).

Regarding claim 1, Thomasma discloses a sanitary seat cover assembly comprising sanitary seat covers (34) with a body part (as at 34) covering a top surface of a toilet seat (2) and a neck part (lower portion, receiving 35) corresponding to a portion where the seat is hinged (as at 3). (Fig. 1-2) A supporting frame (4-15) with a clamp (34,35) maintains the shape of the seat covers. The clamp fixes the neck part of the seat covers at the part where the seat is hinged.

The supporting frame also includes an external frame (8, 11-15) covering the edge of the seat covers which is in the shape of a plate (as at 8,11) facing one side of the covers. The external frame may be selectively attached or detached from the supporting frame; i.e. via pins 6. (Col. 3, lines 8-11; Figs. 2, 6). The external frame includes an auxiliary frame (24,25) which may be detached from the external frame via hinges (26,27). As schematically shown in Figures 1 and 9, the auxiliary frame "is cut to a depth in a piling direction of the seat covers,"<sup>1</sup> and includes coverlets (28) fixed along

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<sup>1</sup> i.e. the auxiliary frame extends rearward towards the area where the seat covers are located, or "piled".

the front portion. The auxiliary frame may be rotated about a hinged portion (26,27) of the supporting frame. (Col. 3, lines 35-37).

Regarding claims 5 and 6, note that each seat cover includes a withdrawing grip (38) extending from an edge of the body part. (Figs. 1,9). The withdrawing grips are folded at one side of the sanitary seat covers and overlapped. (See Figs. 2,9).

Regarding claim 7, note that there is an additional withdrawing grip (37) extending from the edge of the seat covers. (Fig. 1).

Regarding claim 8, note that the seat covers are piled with the neck parts bound into a pack by the clamp and a cut line (scored line shown in Figure 4) is included at the neck part between the portion pressed by the clamp and the body part. (Fig. 2,4,5).

Regarding claims 16-17, an internal frame (20-22) is located at the center of the supporting frame, covering an internal edge of the seat covers corresponding to the shape of cut central portion (36) of the seat covers. The internal frame may be selectively attached or detached from the support frame via pin members 6. (Col. 3, lines 8-11; Figs. 2, 6).

Regarding claim 18, the flange portion (21) of the internal frame defines an "accommodating part" since it accommodates, or receives the central aperture (36) of the seat cover.

Regarding claim 19, there are furrows (about lead line 10) along the circumference of a lateral wall of an internal frame (9,10). (Figs. 2,4,5). Also, note that the external frame is in contact with the seat covers. (Fig. 2).

7. Claims 32-33 and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomasma (2,002,721).

Regarding claim 32, Thomasma discloses a sanitary seat cover assembly comprising a seat (2) hinged to a back a portion of a toilet bowl (1) and sanitary seat covers (34). (Figs 1-2). The seat covers (34) include a portion covering an upper surface of the seat (as at 34) and a neck part (lower end, receiving 35) extending from the body part toward an area where the seat is hinged (as at 3).

A supporting frame (4-15) maintains and supports the shape of the seat covers. (Fig. 2, Col. 1-2). The supporting frame includes a clamp (11-15) which is hinged with the seat (via 4) to selectively fix the neck parts of multiple seat covers overlapped and piled at a hinged portion (as at 3). (Figs. 2,5).

Connectors (post and nut,3) are selectively fixed and fastened at an edge of the seat corresponding to an edge of the supporting frame such that the seat and supporting frame are tightly placed when the connectors fastened. (Fig. 2; Col. 1, line 45-Col. 2, line 16).

Regarding claim 33, guards (28) support an edge of the seat covers (Fig.1).

Regarding claim 35, note the discussion of claim 32 above. Also, note that a cut line (scored line shown in Fig. 4, above 27) is located at the neck part between the portion pressed by the clamp (11-15) and the body part. (Col. 4, lines 29-30). As schematically shown in Figure 5, the clamp has an opening (defined by members 12 &13) receiving the neck parts of the seat covers, which fixes the seat covers in a pressed state.

Regarding claim 37, note the discussion of claim 32, above. Also, note that there is an internal frame (20-22) is located at the center of the supporting frame to cover an internal edge of the seat covers in correspondence with a shape of a cut center portion (36) of the seat covers. The internal frame may be selectively attached or detached from the supporting frame via pin members 6. (Col. 3, lines 8-11; Figs. 2, 6).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasma (as discussed supra regarding claim 1) in view of Eckerlein (1,429,724)

Thomasma lacks coverlets covering the external portion of the seat covers. However, Eckerlein shows a similar seat cover assembly wherein the support frame (c) includes coverlets (p, b) covering the seat covers (e). (Fig. 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided Thomasma's support frame with coverlets, as taught by Eckerlein, to protect the seat covers from moisture and other contaminants.

Regarding claim 23, note that the coverlets are formed in the shape of plates and cover a lateral portion of the edge of the covers. (Eckerlein, Fig. 1)

Regarding claim 24, note that coverlets cover the lateral edge and front of the support frame. Thomasma and Eckerlein, as combined, do not specify vinyl material,



as claimed. However, selection of a suitable material based on factors such as cost and durability would have involved only routine skill in the art, and thus represents and obvious design choice, especially since Applicant has not disclosed that vinyl provides a particular advantage.

### ***Response to Amendment***

**10.** The amendment, filed 3/19/07, is sufficient to overcome the objections and rejections made under 35 U.S.C. 112, second paragraph made in the previous Office Action<sup>2</sup>. However, the amendment to the instant claims is insufficient to overcome the objections and art rejections discussed supra.

### ***Response to Argument***

**11.** It is noted that the previous Office Action indicated that dependent claims 12,13, 17, and 25 "would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph **and to include all the limitations of the base claim and any intervening claims.**"<sup>3</sup> The claims are not allowable in of themselves, as Applicant states at page 1 of the Remarks.

**12.** Applicant also submits that amendment claim 1 is allowable because it incorporates the subject matter of claims 26 and 27, which were previously rejected under 35 U.S.C., 2<sup>nd</sup> paragraph. However, the absence of an art rejection does not indicate allowability.

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<sup>2</sup> Office Action, mailed 9/19/06, p. 2-5

<sup>3</sup> Office Action, p. 13.

13. Applicant's arguments regarding the application of the Thomasma (2,002,721) to claim 32 <sup>4</sup>have been fully considered, but are not persuasive. Claim 32 merely requires connectors selectively fixed and fastened at an edge of the seat. As discussed above, Thomasma, discloses a post and nut (at 3) fixed and fastened at the edge of seat (2) in full response to the claim. (Fig. 2). Also, it is noted that a prior art reference need not have the same purpose as Applicant's invention.

#### ***Allowable Subject Matter***

14. Claim 38 is allowed.

15. Claims 25 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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<sup>4</sup> Remarks, p. 2.

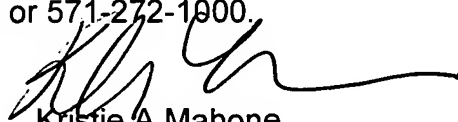
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie A. Mahone whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristie A Mahone  
Examiner  
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